

Notice of Allowability	Application No.	Applicant(s)	
	10/702,155	FRIDRICH, ELMER G.	
	Examiner	Art Unit	
	Livius R. Cazan	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to the telephone interview of 05/12/2006.
- 2. ☒ The allowed claim(s) is/are 1-14,29 and 30.
- 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/12/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>Attachment</u> . |

PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

EXAMINER'S AMENDMENT

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to a process for manufacturing one-piece foliated leaves from wire, classified in class 29, subclass 869.
- II. Claims 15-26, drawn to a lead processing line, classified in class 29, subclass 742.
- III. Claims 27 and 28, drawn to a foliated lead, classified in class 313, subclass 285.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process can be practiced using an apparatus that does not comprise hammers having a working face on a frustum, and wherein the working face has a slightly convex surface centered on an axis.

3. Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process

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(MPEP § 806.05(f)). In the instant case the product can be formed by hand or by a process that does not require a step of aligning the working faces of two hammers to be centered on a common axis.

4. Inventions II and III are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a materially different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product can be made by a materially different apparatus, such as one that does not have a hammer with a working face on a frustum and wherein the working face has a slightly convex surface centered on an axis.

5. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Dwight A. Stauffer on 3/15/2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-14. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Amendment

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dwight A. Stauffer on 05/12/2006.

The application has been amended as follows:

In the claims:

Claim 1:

- In line 3 (of the page), after "foliated leads", insert -- for sealing in electrical light sources--
- In line 3, after "from", insert -- conductive--
- In line 3, before "foliated lead", replace "the" with --each such--
- In line 6, after "opposed", insert -- automated--
- In line 10, after "faces", insert -- of the hammers--
- In line 11, after "of blows", insert --in rapid succession, each blow having a predetermined magnitude of hammering energy,--
- In line 12, before "increasing", insert --significantly --
- In line 12, after "blow", insert -- of the plurality of blows, such that the magnitude of hammering energy of a second blow is significantly higher than that of a first

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blow of the plurality of blows, the magnitude of hammering energy of a third blow is significantly higher than that of the second blow of the plurality of blows, and so on such that the magnitude of hammering energy of the last blow is significantly higher than that of the next-to-last blow of the plurality of blows--

Claims 15-28 are cancelled.

After cancelled claim 28, insert newly submitted claims 29 and 30 as follows:

--29. (New) The process of claim 1, wherein:

the working face of each of the opposed hammers is provided on a frustum and has a slightly convex surface centered on the working face axis.

30. (New) The process of claim 4, wherein the cutting stage comprises:

opposed cutting blade edges aligned in a central plane of a cutter, each blade edge being defined at a vertex of blade sides that form a blade angle in the range of about 60 degrees to about 120 degrees wherein the blade angle is approximately halved by the central plane;

and wherein the step of cutting the foliated leads comprises:

moving the opposed cutting blade edges together within the central plane.--

8. The following is an examiner's statement of reasons for allowance:

The prior art does not teach, in combination with all other claim limitations, significantly increasing the magnitude of hammering energy of each blow relative to the blow preceding it. Most of the prior art is silent as to the energy of hammering blows, or, at best, suggests that repeated blows have the same force. No references have been found which would teach, suggest, or imply increasing the magnitude of hammering

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energy from one blow to the next. Furthermore, the phrase "significantly increasing" as used in claim 1 is understood to imply that the incremental change in hammering energy from one blow to the next is of a sufficiently large magnitude to produce an effect that is different from a case when the incremental energy is negligible and of such small magnitude that no difference can be observed over blows of constant hammering energy.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Livius R. Cazan whose telephone number is (571) 272-8032. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571)272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LRC 05/12/2006



PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Attachment

-- The following version of claim 1 is amended according to the 5/12/06 phone conference as of 10:15 am. Applicant agrees to this version of claim 1. (It was previously agreed that claim 1 is the only one of the 14 pending claims subject to examiner's amendment.) Applicant wishes to note that the claim language is not intended to change the common meaning of the term "plurality".

-- During the phone conference, newly submitted claim 29 was reworded for the sake of consistency with claim 1. Applicant agrees with the reworded claim. The final form of new claims 29 and 30 are presented below for the record.

-- /D.A. Stauffer/ Dwight A. Stauffer #47963 for the Applicant.

1. (Amended) A process for manufacturing one-piece foliated leads for sealing in electrical light sources from conductive wire, each such foliated lead comprising a foil bookended by a first lead wire and a second lead wire, the process comprising the steps of:

providing two opposed automated hammers, each having a working face centered on an axis;

aligning the working faces of the two hammers to be centered on a common axis;

positioning a portion of wire between the working faces and orthogonally crossing through the common axis;

foliating the wire by hammering the wire between the working faces of said hammers with a predetermined plurality of blows in rapid succession, each blow having a predetermined magnitude of hammering energy, wherein the motion of hammering is along the common axis; and

significantly increasing the magnitude of hammering energy for each succeeding blow of the plurality of blows, such that the magnitude of hammering energy of a second blow is significantly higher than that of a first blow of the plurality of blows, the magnitude of hammering energy of a third blow is significantly higher than that of the second blow of the plurality of blows, and so on such that the magnitude of hammering

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energy of the last blow is significantly higher than that of the next-to-last blow of the plurality of blows.

29. (New) The process of claim 1, wherein:

the working face of each of the opposed hammers is provided on a frustum and has a slightly convex surface centered on the working face axis.

30. (New) The process of claim 4, wherein the cutting stage comprises:

opposed cutting blade edges aligned in a central plane of a cutter, each blade edge being defined at a vertex of blade sides that form a blade angle in the range of about 60 degrees to about 120 degrees wherein the blade angle is approximately halved by the central plane;

and wherein the step of cutting the foliated leads comprises:

moving the opposed cutting blade edges together within the central plane.